IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10181 of 2004

Between:
M/s. Ahmed Ice & Aerated Water Factory, Door No. 4-1-833, Palace Talkies Compound, Hyd rep. by its Managing Partner, Ahemmad Alladin.

..... PETITIONER

AND

1 The Transmission Corporation of A.P. Ltd., (AP. Transco) rep. by its Chief Managing Director, Vidyut Soudha, Khairatabad, Hyderabad.
2 The Superintending Engineer, Assessment, Central Power Distribution Company of A.P. Ltd.,(A.P. Transco), 3-6-184, 4th Floor, Urdu Galli, Himayatnagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order of direction more particularly one in the nature of writ of Mandamus declaring the order No. SE/HYD/F.No.HN-08/SAH.No. 9579/D.No.172 dt. 22.1.2004 of the 2nd respondent as highly illegal arbitrary unjust and contrary to Section 49-D(5) of the Indian Electricity (A.P. Amendment) Act 2000 and consequently set aside the same and further direct the respondents to refer the matter to the jurisdictional special tribunal constituted under the Indian Electricity (A.P. Amendment) Act 35/2000 .

For the Petitioner: Mr.D.V.NAGARJUNA BABU, Advocate

For the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR, SC for A.P. Transco

The Court made the following ORDER:

This writ petition is filed by the petitioner questioning the proceedings of the second respondent dated 22.01.2004, under which an order of assessment with reference to the alleged pilferage of power was passed.

2. According to the petitioner, the second respondent has no jurisdiction to adjudicate upon the issue. He ought to have transferred the matter to the jurisdictional Tribunal for adjudication. In spite of the request for transfer of the said proceedings to the Tribunal, the second respondent did not transfer the said matter and passed the impugned order of assessment assigning the value of the alleged pilferaged power.

3. At the time of hearing, the learned counsel for the petitioner stated that the issue is covered by a judgment of this Court in the case of **CHEEDI RAMA RAO v. TRANSMISSION CORPORATION OF A.P. LTD (A.P. TRANSCO)**[1].

4. In view of the above judgment of this Court, the impugned order of the second respondent is set aside and the matter is restored to his file for transmission to the Tribunal having jurisdiction for adjudication of the issue.

5. The writ petition is accordingly allowed.

22.06.2004

va

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chief Managing Director, Transmission Corporation of A.P. Ltd., (AP. Transco) Vidyut Soudha, Khairatabad, Hyderabad.

2 The Superintending Engineer, Assessment,
Central Power Distribution Company of A.P. Ltd.,(A.P. Transco),
3-6-184, 4th Floor, Urdu Galli, Himayatnagar, Hyderabad.

3 Two CD copies

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[1] 2003 (4) ALT 267